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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Larry Thompson,
10 Petitioner,

11 v.

12 Charles Ryan, *et al.*,
13 Respondents.
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No. CV-17-02152-PHX-JJT (JFM)

ORDER

15 At issue is the Report and Recommendation (Doc. 16) (“R&R”) submitted by
16 United States Magistrate Judge James F. Metcalf, recommending that the Court dismiss
17 with prejudice the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254
18 (Doc. 1) filed in this matter by Petitioner Larry Thompson. Petitioner filed timely
19 Objections to the R&R (Doc. 17) and Respondents Charles Ryan and the Attorney
20 General of the State of Arizona filed a Response thereto (Doc. 18). Petitioner filed a
21 Reply to the Response (Doc. 19), which the Court also has considered.

22 The Court will adopt in whole Judge Metcalf’s R&R and its underlying reasoning.
23 Judge Metcalf exhaustively and correctly analyzed the timeliness issue for petitions under
24 AEDPA, including all possible applications of statutory and equitable tolling provisions,
25 and concluded that at best, Petitioner was at least twelve years late in filing his Petition.
26 Because the Court adopts Judge Metcalf’s analysis, it will not repeat same here.

27 Petitioner’s Objections repeat the same arguments he made in his Petition, in
28 reliance on *Vega v. Ryan*, 757 F.3d 960, 967 (9th Cir. 2014) and *Martinez v. Ryan*, 132

1 S. Ct. 1309 (2012). But Judge Metcalf already had thoroughly analyzed this case law and
2 its non-applicability to Petitioner's situation. Nothing in Petitioner's Objections or his
3 Reply is new, and nothing in the documents affects the correctness of Judge Metcalf's
4 analysis or his recommended conclusions.

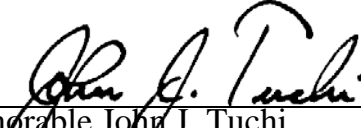
5 **IT IS ORDERED** adopting in whole the R&R (Doc. 16) in this matter.

6 **IT IS FURTHER ORDERED** dismissing with prejudice the Petition for Writ of
7 Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. 1).

8 **IT IS FURTHER ORDERED** denying a certificate of appealability, upon a
9 finding that dismissal is based on a plain procedural bar and that jurists of reason would
10 not find that ruling debatable.

11 **IT IS FURTHER ORDERED** directing the Clerk of the Court to enter judgment
12 accordingly and close this matter.

13 Dated this 8th day of May, 2018.

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16 Honorable John J. Tuchi
17 United States District Judge
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